

<b>POLICE/SHERIFF'S DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Victim Services</b>		<b>NUMBER: 2-28</b>	
<b>EFFECTIVE DATE: July 1, 1999</b>		<b>REVIEW DATE:</b>	
<b>AMENDS/SUPERSEDES: GO 2-28, January 1988</b>		<b>APPROVED: _____ Chief of Police/Sheriff</b>	
<b>CALEA STANDARDS: 51.1</b>		<b>VLEPSC: ADM.23.01-.04</b>	

## **NOTE**

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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## **I. POLICY**

The rights of suspects and defendants involved in the criminal process are unquestionably important; yet it is equally important to protect the rights of the victims of crime. Victims have a need and an expectation to obtain fair and humane treatment from law enforcement personnel. Crime victims often suffer physical, psychological, and financial injuries. The first source of protection for most victims is the law-enforcement officer. The manner in which victims are treated not only affects their ability to cope with the crime, but also their willingness to prosecute. A victim treated well during crisis provides the officer with a better witness who will give a more accurate account of what happened. The department recognizes the importance of adequate victim services. Responsiveness to the needs of crime victims is a department priority.

## **II. PURPOSE**

To establish guidelines, responsibilities, and procedures for helping crime victims.

### III. PROCEDURES-General

#### A. General responsibilities

1. "Victim" means a person who suffers physical, emotional, or financial harm as a direct result of a crime committed upon his/her property or person. (See *Virginia Code* § 19.2-368.1, § 19.2-11.01.B.)
2. All members of the department have responsibilities for and shall support crime victim assistance procedures. (See § 19.2-11.01.C, -268.17, and § 53.1-133.02.)
3. Department personnel shall consider victims as clients of the criminal justice system and treat them with respect and fairness.
4. Department personnel shall view victim assistance as a partnership. Better treatment of victims will result in better investigations leading to more convictions.
5. Cultural/language differences may exist. Personnel are encouraged to use interpreters and translator services, if needed. (*Virginia Code* § 19.2-164 applies). ***[Describe local services or arrangements for translators.]***
6. All personnel shall receive periodic in-service training on the nature and impact of victimization.
  - a. The chief of police/sheriff shall provide in-service training at least annually concerning victim assistance.
  - b. Training shall include recognition of symptoms of crisis (shock, disbelief, denial, anger, fear, guilt, frustration); suggested approaches to interviewing victims; and resources available to the officers. (See appendices to this order.)
  - c. The chief of police/sheriff shall ensure that department personnel are trained periodically about current procedures used locally in the processing of a victim's case and the victim's role in each stage.
7. Officers are required to render assistance to victims unless they refuse it. An officer who has a duty to act to assist a victim may be liable for negligence for improperly performing, or failing to perform, a duty.

### IV. DISPATCHER RESPONSIBILITIES - (Includes personnel who receive calls for assistance.)

A. Dispatchers are often the first police personnel to talk with crime victims; thus, they must make judgments about the appropriate response needed to the victim's call.

1. Dispatchers shall ask the following, if possible:

- a. Are you physically hurt? Do you need medical assistance? Are you safe at this time?
- b. Location? (Reverse a and b for a crime in progress.)

Dispatchers shall also:

- c. Reassure victim that help is on the way.
- d. For victims of violent crimes or child victims, keep the victim on line until officer arrives. Above all, use common sense.

B. Crime victims may respond in several different ways. Behavior and words of victims (no matter how hysterical or uncooperative) should be considered a normal part of the process of dealing with victims.

C. Dispatchers shall maintain a written list of department personnel and other agencies who can provide information and assistance to victims or their representatives. The chief of police/sheriff or his designee shall ensure that the list is updated annually. *[Note: Grant-funded victims services programs usually require these programs to develop and maintain a directory of local social services agencies.]*

## V. PATROL RESPONSIBILITIES (First officer on scene; see also GO 2-14)

A. Arrival at scene

1. Patrol officers shall:

- a. Record date and time of arrival.
- b. Determine location and condition of victim.
- c. Determine if suspect is still at crime scene (initiate crime broadcast, if applicable).
- d. Summon an ambulance, if indicated.

2. Patrol officers must explain their role to crime victims and why they need to ask questions.

3. Patrol officers shall know and practice crisis intervention skills. (See Appendix 1 to this General Order.)

B. Crime scene preservation

1. The first officer on the scene is responsible for preserving crime scene and explaining fully to the victim what the investigation will entail. (See GO 2-15.)
2. Ensure that evidence is not destroyed or contaminated. Further, an officer must remain at the crime scene until evidence is processed.
3. The victim must be informed of the necessity of taking photographs of him or her and removing personal belongings for evidence. Officers shall use tact in explaining evidence collection procedures because the victim may well be upset or distraught. Officers shall do their utmost to protect the privacy of the victim when taking photographs of the victim's body. (See GO 2-15.)

C. Concern for the victim

Officers shall demonstrate concern for the victim after the crime has occurred. To this end, officers shall freely provide information about available social services, the criminal justice process, or accommodate any other reasonable need.

D. Identify and separate witnesses

1. Record names and addresses of witnesses and other persons at the scene.
2. Obtain valid identification, if possible.
3. Obtain preliminary statements.

E. Interview victim

Interview the victim separately from witnesses and in private.

1. Victims are interviewed; suspects are interrogated. Interviews with victims require patience, firm but not overbearing control, tact, and a demonstrated concern for their discomfort.
2. Establish rapport with the victim. Explain the necessity of asking specific personal questions.
3. Use appropriate interview techniques.
4. For further instruction, see Appendix 2 to this General Order.

F. Assess medical/psychological needs of victim

1. Arrange for appropriate treatment as soon as possible. The victim may want or need to be examined and reassured of his or her physical condition. Similarly, the victim may want or need to speak to someone for psychological support (relative, friend, or counselor).
2. The victim may be confused or unable to express his or her needs. Use good judgment and, if appropriate, refer victim to another agency.

G. Transportation of crime victims

1. Victims may be transported in department vehicles when necessary to accomplish a law-enforcement purpose: to a medical facility, to the department or other criminal justice agency, to a safe shelter.
2. Once the victim is taken to the necessary destination, an officer shall escort the victim inside and ensure that the proper authority is notified of arrival.

H. Completing the crime (incident) report

1. The purpose of the crime report is to document the incident for further investigation and prosecution.
2. Reports must be factual, clear, concise, and unbiased.
3. Be specific. Use victim's own terminology in report.
4. Avoid personal opinions regarding any comments made by victims or witnesses.
5. Use effective communicative skills which are both easy to understand and supportive of the victim. (See Appendix 1 to this General Order.)
6. At completion of the initial investigation, provide the victim with the case number, officer's name and badge number, classification of crime, date of report, and phone number to obtain or relay additional information. Advise victim of how to obtain a copy of incident report.

I. Distribute brochures

Patrol officers shall give brochures to the victim or victim's representative that explain the next steps to be taken in the case. See Appendix 3 to this General Order for a list of brochures. Information to be given to victims includes:

1. Victim compensation information card (for violent offenses).
2. Victim and witness information brochures including information in Virginia's Crime Victim and Witness Rights Act).
3. Copy of crime report upon request.

J. Determine victim's whereabouts

Determine where the victim will be over the next several months. Obtain addresses for any temporary or permanent residence, place of business, or other place to contact. Ensure that this information is maintained as confidential by not adding it to the incident report but instead to the supplement.

K. Property control

If an officer takes property from the victim for purposes of investigation, the officer shall provide a written receipt for the property to the victim and shall explain of why it is required as evidence. The victim's property shall be returned as soon as practicable. (See GO 2-15.)

L. Further protection of the victim

Notify the victim of the department's interest in protection from intimidation or threats by defendant, his family, or friends. Inform the victim of his or her options concerning protection through emergency protective orders (see GO 2-32 for a discussion of emergency protective orders). Instruct the victim to call the department if intimidation occurs.

M. Media relations (See GO 1-13)

1. Use discretion with media personnel. Do not give reporters specific information about the case that might impede its investigation and prosecution.
2. Protect the victim's identity by not releasing the victim's name or address. Advise reporters to contact the chief of police/sheriff for information.

N. When the investigator arrives, the patrol officer shall report all that has been done.

## **VI. INVESTIGATOR RESPONSIBILITIES**

A. Purpose

The investigator's purpose is to follow up the preliminary investigation, to provide additional investigation to effect an arrest, and to prepare the case for prosecution.

Immediate assignment of an investigator may occur following personal violent crimes. (See GO 2-14, investigations, and GO 2-12, patrol responsibilities.)

B. Arrival at scene.

1. Upon arrival, the investigator shall receive a report from the patrol officer who completed the preliminary investigation.
2. Investigators shall explain their role to crime victims and why they need to ask additional questions, perhaps repeating the patrol officer's questions. Also explain the need for and procedures concerning crime lab tests.
3. Investigators shall apply crisis intervention skills. (See Appendix 1 to this General Order.)

C. Collection of additional evidence.

1. Investigators shall gather all pertinent evidence at the scene which will lead to the apprehension of the criminal.
2. Make the necessary arrangements for forensic tests, drawings, and photographs.
3. Use proper collection techniques. (See General Orders 2-15.)
4. Record all information with accuracy, clarity, and completeness.
5. Review test results after their return from lab.

D. Care and return of victim's property used as evidence

1. Notify victim where the property is stored, when it can be reclaimed, and how to reclaim it.
2. The victim shall not be charged any fees for the collection, storage, and preservation of property.
3. Expedite the return of property. Photograph as much as possible in order to return the property to its owner sooner. (See GO 2-15.)

E. Follow-up interviews of the victim

Conduct any further interviews of victims (and witnesses) several hours or days following the incident. Choose a time and place convenient for the victim, if possible. (See Appendices 1 and 2.)

1. Obtain additional information which the victim was reluctant, unable, or forgot to provide during the preliminary investigation.
2. Clarify any inconsistencies in the original report.
3. Check for bruises or injuries which were not initially visible or not photographed and have photos taken.

F. Transportation of crime victims (See paragraph V.G above.)

G. Determine identity of suspect

Attempt to determine the identity of the suspect(s), if unknown, through the use of one or more of the following procedures:

1. Arrange for the victim to develop a composite drawing. (If Identi-Kit operator is available, he or she may need to spend time alone with the victim to accomplish this.)
2. Arrange for the victim to review police photographs. Provide necessary transportation. To assure an accurate identification, a reasonable number of photos shall be shown to the victim, even if suspect is selected almost immediately. (See GO 2-1 for guidelines on lineups.)
3. Arrange for the victim to review a physical line-up of potential suspects. Provide necessary transportation. Explain the process to be used and choose a time convenient for the victim.
4. Before viewing the line-up, the victim shall be instructed as follows:
  - a. Neither the victim's identity nor address will be revealed to the suspect.
  - b. The purpose of the line-up is as much to exonerate the innocent as it is to identify the accused.
  - c. Victims must look at the line carefully and voice any doubts or uncertainties about an identification.
  - d. A victim may request that the participants in the line speak certain words, make certain gestures, or assume particular poses. All participants will be required to perform the same acts.
  - e. Victims are not required to talk to the defense attorney (if present) during the line-up.



5. Identification procedures may be very traumatic for the victim as he or she will be confronting the accused for, perhaps, the first time since the incident. Allow victim's attorney or advocate to accompany him/her during the line-up.

H. Arrest of suspect

The victim shall be notified as soon as possible about the arrest, custody status, and charges filed.

I. Case presentation

The investigator shall prepare a case presentation to include any available evidence and lab results, for use in court. Remember, the investigator will be with the victim through all court proceedings although prosecutors and defense attorneys may change.

J. Further protection of victim

As the case prosecution progresses, the investigator has the following responsibilities:

1. Maintain victims's case confidentiality.
2. Provide support for the victim.
3. Protect the victim and take action regarding intimidation or threats by the defendant and his family or friends.
4. Keep the victim informed of results of hospital/lab tests.
5. Notify the victim if the defendant makes bond or has a bond hearing scheduled.
6. Explain the criminal justice procedures pending. Remind the victim that he or she will see the accused in court and reassure the victim's safety.
7. Work closely with prosecuting attorneys in pretrial and trial preparations. ***[If a sheriff's office, the agency shall notify the victim of any change in the custodial status of the defendant.]***
8. Give the victim the investigator's name and phone number for further contacts.

9. Advise the victim of social service agencies. *[Note: List here your local victim-assistance programs such as the victim/witness program, domestic violence shelter, or sexual assault crisis center.]*

K. Further notification of the victim

The investigator shall notify the victim when the department closes (clears) the case by any of these means:

1. Victim non-cooperation, which should happen rarely if victims are encouraged and supported during the investigation.
2. Cases of non-prosecution: Explain to the victim that a lack of prosecution or legal insufficiency does not reflect on his or her credibility.
3. Unfounded cases--only when it is proven that the offense did not occur.
4. Exceptional clearance--consult the UCR guidelines for this procedure and explain reasons to the victim.

## **Appendices to General Order 2-28**

1. Crisis Intervention Skills
2. Interviewing
3. Printed Information for Victims

## **Crisis Intervention Skills**

A **crisis** is any situation where stress (the crime) leads to a breakdown of usual coping (problem-solving) methods. Morton Bard defines the crisis of victimization as the sudden, arbitrary, unpredictable violation of self that leaves a victim feeling so shattered that he or she cannot continue to function the way he or she did before the crime occurred.

A victim's response to crisis is the series of reactions to the stress of a sudden or unexpected trauma. The response may include the following:

1. Immediate response to crisis--shock, disbelief, denial, helplessness.
2. Post-trauma display of emotions--anger, fear, frustration, guilt, depression.

Examples:

- screaming, crying, hysterics
- severe depression
- uncontrolled body trembling and body functioning
- anger, clenched fists, locked jaws
- rapid speech and breathing
- frozen into immobility
- overtly calm after violence
- physical opposites--ex. calm vocal tone and wringing of hands

3. Re-experiencing the incident
  - nightmares; flashbacks (especially on month/year anniversaries)
  - tunnel vision (think only of the crime)
  - unresponsive, immobile
  - confrontation with reality bit by bit
  - mind avoids details (self-doubt, self-denial)
4. Resolution--coming to terms with reality of victimization
  - regaining lost control over life
  - resuming a normal existence
  - may take 2 months to 2 years to reach

It is very important for victims to know that these reactions can occur (they aren't going crazy). To know that these are normal symptoms can help the victim predict and prepare. To understand these reactions will help them move toward a resolution. Most victims can resolve this crisis reaction by themselves or with the assistance of short-term counseling.

**Crisis intervention** means to alleviate the discomfort a person is feeling due to the impact of a crisis. It is psychological first aid meant to focus on immediate help. It helps the person function by mobilizing resources and finding successful ways to cope with the incident.

The key to crisis intervention is active listening. It involves listening to the words spoken and the feelings expressed: sometimes they are incongruous. Listening with empathy, which is listening from the speaker's viewpoint, not the listener's, is very important. The listener's reflection and clarification of feelings, summaries, and understanding is part of the process as well. The appearance of genuine caring and trust is essential in the relationship.

### **Objectives of Crisis Intervention**

1. To appear genuinely interested in helping (for rapport).
2. To get victim to talk freely and frankly and to assess a problem (includes identifying and clarifying the problem).
3. To be aware of and respect the person's responsibility to make own decisions.
4. To be accepting, objective, and non-judgmental toward the victim's account.
5. To assist the person in putting things into perspective by helping to focus on needs and to be aware of alternatives and resources including person's own emotional strengths.
6. To listen carefully to what the person has to say, allowing him or her to tell the story in their own way and to ventilate feelings (active listening).
7. To reassure the person and offer emotional support along with assistance and guidance.
8. To provide pertinent information regarding the crisis.
9. To refer to the appropriate agency (agencies) which can best meet the person's needs.

Victims can give clearer, more accurate accounts of the incident if their intense feelings have been replaced with feelings of calm and trust. Help the victims to help themselves and they will also help you.

## **Interviewing**

Several factors influence interviewing skills at the crime scene and during the investigation. They include an understanding of crisis/stress theory, personality of the victim, type of response given to the victim, and a knowledge of interviewing procedures.

### **Stages of the Interview Process**

1. **Preparation**--Build security and rapport, focus on victim needs, emphasize feelings.
2. **Information**--Obtain reconstruction of incident by use of good communication skills.
3. **Supportive closure**--Develop partnership with victim, explain future criminal justice contacts.

### **Principles of Interviewing**

1. Interview should occur as soon as possible after crime.
2. Setting must be as safe, comfortable, and private as possible (more information will be shared).
3. Introduce self and state reason for your presence.
4. Establish an honest rapport with victim.
5. Listen to what the victim says (requests) and react to his/her needs.
6. Remember the goal of interviewing is to get information from the other person. Talk only enough to keep him or her talking and to maintain necessary control over the interview.
7. Observe both verbal and non-verbal communication.
8. Ask the victim to state in his/her own words what happened.
9. Do not argue with the victim.
10. Maintain strict impartiality. Don't pass judgment.
11. Avoid making any suggestions during the interview.
12. Don't jump to conclusions in an effort to summarize.

13. Help prepare victim for future contact with the justice system.

### **Techniques of Questioning**

1. Questions should be simple.
2. Questions should be asked one at a time to avoid confusion.
3. Questions should not be worded to give the impression of an implied answer.
4. Allow the victim to "save face" if a mistake is made in answering.
5. Project a positive attitude and ask questions in a positive manner.
6. Silence is not to be taken as a negative attitude. It allows time to think and clarify responses.
7. Interviewer must not dominate the interview. The victim needs to regain control lost during the crime.
8. Ask open-ended questions to increase the amount of information that will be given. Do not ask "yes" or "no" closed questions except at the beginning of interview when it is important for victim to gain some measure of control by simple decision making.

### **Verbal/Non-Verbal Techniques**

1. Eye contact--Direct eye contact is important for communicating to the victim that one is listening and concerned. The victim's failure to make eye contact is not a sign of deception. The victim may feel ashamed or humiliated by the crime.
2. Body posture--Monitor one's body posture to determine what is being communicated (leaning towards victim indicates interest, sitting upright and rigid indicates impersonality, arms crossed and stern look provokes anxiety).
3. Uniform--Remove hat and turn down radio.
4. Personal distance--Closeness to victim expresses concern, too close is less than two feet (can be threatening), greater distance increases formality.
5. Touching--Help the victim's initiation of touching by putting forth hand or placing it close on table to allow victim to reach out (as a beacon to the victim, officer allows the victim to touch for reassurance if he or she so desires without undue pressure). Always let the victim make the first move.
6. Vocalization--The volume, speed, pacing of speech is important:

- a. Speak to victim in slow, soft voice.
  - b. Allow a few seconds between questions.
  - c. Pacing questions slowly gives the impression of patience and concern.
- 7. Notetaking--Ask permission to take notes first. Explain that notetaking is necessary for accuracy.
- 8. Active listening--Use the skills of listening:
  - a. clarification;
  - b. summarization;
  - c. allowing silence.



Interview	Interrogation
<p>Why (purpose)</p> <p>To gather and to test validity of information to determine the particulars of the matters under investigation.</p> <p>Who (subject)</p> <p>Victims and witnesses who are willing to provide police with any information they possess about the matter under investigation.</p> <p>When (timing)</p> <p>Interviews should take place as soon as possible after the event has occurred so statements of witnesses are not affected by memory loss, influence of talking to others, and other factors. Immediate gathering of information enables the investigator to prepare for interrogation of suspects.</p> <p>Where (location)</p> <p>At a place convenient and familiar to the subject; or in a neutral setting. The subject's home, place of business, or any other place where privacy is assured, is preferred.</p> <p>How (method)</p> <p>Low pressure, informal atmosphere is preferred to allow the subject to tell in narrative style what he or she has to offer. Specific questions should be used to gather more detail and to jog the witness's memory.</p>	<p>Why</p> <p>To gather and to test validity of information to determine that the subject was responsible for, or involved in, the matter under investigation.</p> <p>Who</p> <p>Persons suspected of crimes as well as others who may have information but are reluctant to offer it.</p> <p>When</p> <p>Interrogations should take place ideally when the investigation has gathered enough information to know how truthful the subject is. They are more fruitful after witnesses and victims have been interviewed and physical evidence has been located and evaluated.</p> <p>Where</p> <p>The police station is best since it enables the officer to control completely the security of the subject as well as other factors that might tend to be distracting.</p> <p>How</p> <p>Basically, the same method as with interviews but the atmosphere is more formal and the officer works toward a more specific purpose.</p>

(From the Criminal Justice Training Council, Vermont 1987)

## **Printed Information for Victims**

Distribution of certain printed materials to crime victims or their representatives is a necessity in order for adequate and thorough information to be disseminated. The following are attached and recommended:

1. Victim Compensation Information Card  
(*Virginia Code* §§ 19.2-368.1 to .22)  
Obtain brochures and applications from  
Criminal Injuries Compensation Fund,  
P.O. Box 5423, Richmond, VA 23220,  
(804) 367-8686 or 1-800-552-4007.
2. *An Informational Guide to Virginia's Crime Victim and Witness Rights Act*  
Obtain from Department of Criminal Justice Services, 10th floor, 805 E.  
Broad Street, Richmond, VA 23219, (804) 786-4000.
3. Victim/witness program brochure (attach one from your locality).

Other brochures available at no charge from the Department of Criminal Justice Services include:

*A Statement of Principles and Recommended Judicial Practices to Assure Fair Treatment of Crime Victims and Witnesses*

*An Informational Guide for Domestic Violence Victims in Virginia*

*An Informational Guide for Sexual Assault Victims in Virginia*